

JOURNAL OF THE HOUSE.

Monday, October 1, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

In addressing our legislative duties and personal responsibilities we begin the week by asking Your direction and assistance, God Our Creator. In Your goodness, grant us the intellectual courage and right reasoning ability to cope with the demands which are made of us, our time and our talents. May our hearts and minds be filled with hope and patience as we take-up and evaluate the items on our legislative and personal agenda. In these times of change, inspire us to remain faithful to You, Your ways which You have made known to us and to our traditional and religious values and principles.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. DiNatale of Fitchburg) honoring Laila Michaud for thirty-two years of outstanding public service;

Resolutions (filed by Mr. Koutoujian of Waltham) on the occasion of recognizing National Physician Assistant Week;

Resolutions (filed by Representatives Patrick of Falmouth, Gifford of Wareham, Peake of Provincetown, Perry of Sandwich, Turkington of Falmouth and Turner of Dennis) urging support of the Lights on Afterschool programs; and

Resolutions (filed by Representatives Perry of Sandwich, Gifford of Wareham, Peake of Provincetown, Perry of Sandwich, Turkington of Falmouth and Turner of Dennis) supporting the Lights on Afterschool programs;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

Norfolk County
Registry of
Deeds.

A communication from the Norfolk County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight), was spread upon the records of the House; and it was placed on file.

Papers from the Senate.

Boston,
William
Hayhurst.

A Bill relative to the sons of William Hayhurst, a deceased firefighter from the city of Boston (printed as House, No. 4259) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling [Local Approval Received].

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of rules, on motion of Mr. Hynes of Marshfield, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence, its title having been changed by said committee to read: "An Act relative to civil service preference for a firefighter in the city of Boston."

Oceans.

A Bill relative to oceans (Senate, No. 2346, amended in section 4 (as printed), in subsection 4C, in clause (b), at the end of the first sentence, by inserting after the words "executive office of energy and environmental affairs" the words "and with the clerks of the House and Senate"; in said subsection, in clause (c) (1), in the second sentence, by inserting after the words "coastal municipalities" the words "of diverse size and location", and in said subsection, in clause (c) (2), by inserting after the word "Dartmouth" the following: "and at least 1 of whom shall be from the department of environmental, earth & ocean science at the University of Massachusetts at Boston;") (on Senate bill No. 2281), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Bills

Easthampton
land,
restriction.

Authorizing the partial release of certain land in Easthampton from the operation of an agricultural preservation restriction (Senate, No. 42) (on a petition); and

Phosphorous
distribution.

Regulating the distribution of household cleansing products containing phosphorous (Senate, No. 536, changed in section 1, in the first sentence, by inserting before the word "commercial" (the first time it appears) the word "a"; and in said sentence, by inserting after the word "dishwashing" the word "process") (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Exempting Timothy R. Grabarz and Thomas E. Cady from the maximum age requirement for appointment as a police officer in the town of Raynham (Senate, No. 1621) (on a petition) [Local Approval Received];

Timothy R.
Grabarz and
Thomas E. Cady.

Relative to the financing of a contract termination charge incurred by the town of Norwood (Senate, No. 2277) (on a petition) [Local Approval Received];

Norwood,
contract
termination.

Establishing a community events fund for the town of Wareham (Senate, No. 2287) (on a petition) [Local Approval Received];

Wareham,
events fund.

Establishing the North Carver Water District (Senate, No. 2308) (on a petition) [Local Approval Received];

North Carver,
water.

Authorizing the Wachusett Regional School District to borrow money for the cleanup of oil contamination and related costs (Senate, No. 2322) (on Senate, No. 2239);

Wachusett
Regional
School
District.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 243) of Steven A. Tolman for legislation relative to identity theft jurisdiction, and recommending that the same be referred to the committee on the Judiciary,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Identity
theft.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2353) of Stephen M. Brewer for legislation relative to Rutland Heights State Hospital. To the committee on Bonding, Capital Expenditures and State Assets.

Rutland Heights
State Hospital.

Petition (accompanied by bill, Senate, No. 2354) of Stephen M. Brewer for legislation relative to property tax benefits for senior citizen volunteers. To the committee on Revenue.

Property tax,
senior citizens.

Reports of Committees.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to regional transit authorities (House, No. 3678).

Regional
transit.

By the same member, for the same committee, on a petition, a Bill relative to regional transit authorities (House, No. 3683).

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Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to the Department of Housing and Community Development (House, No. 1238).

Housing,
annual
report.

Subsidized housing.
By the same member, for the same committee, on a petition, a Bill excluding payments for foster care in computing rent and determining eligibility for subsidized housing (House, No. 1240).

Housing, working standards.
By the same member, for the same committee, on a petition, a Bill promoting fair working standards in the production of housing (House, No. 1245).

MBTA, staff.
By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to the Massachusetts Bay Transportation Authority advisory board (House, No. 3516).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Victims, housing.
By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to housing rights for victims of violence (House, No. 1241).

Provincetown, affordable housing.
By the same member, for the same committee, on a petition, a Bill relative to the affordable housing trust fund in the town of Provincetown (House, No. 4037).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Holbrook.
The Senate Bill relative to recall elections in the town of Holbrook (Senate, No. 2304) [Local Approval Received]; and House bills

Burlington.
Relative to multiple office holding in the town of Burlington (House, No. 3946); [Local Approval Received];

Westborough.
Amending the charter of the town of Westborough (House, No. 4101) [Local Approval Received];

West Boylston.
Authorizing the town of Boylston to convey certain open space land (House, No. 4120); [Local Approval Received];

Needham.
Authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (House, No. 4121) [Local Approval Received];

Ri.
Relative to the change from conservation use to general municipal use of a portion of the property known as Ridge Hill Reservation in the town of Needham (House, No. 4122) [Local Approval Received];

Brockton.
Authorizing the city of Brockton to convey certain park land (House, No. 4164) [Local Approval Received];

Georgetown.
Providing for an increase in the Georgetown board of selectmen from three to five members (House, No. 4166) [Local Approval Received];

Wareham.
Relative to the Wareham parking meter fund (House, No. 4195) [Local Approval Received];

Fitchburg, Dawn M. Tully.
Authorizing the city of Fitchburg to convey certain land in the city of Fitchburg in exchange for the conveyance of land by Dawn M. Tully to the city of Fitchburg for watershed protection purposes (House, No. 4216) [Local Approval Received]; and

Establishing a sewer system capital improvement fund for the town of Hadley (House, No. 4217) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Wagner of Chicopee, for the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3455) of Robert K. Coughlin and Stephen Stat Smith relative to prohibiting truck traffic on a portion of East Street in the town of Dedham.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3488) of Anne M. Gobi for legislation to direct the Department of Highways to evaluate the safety benefits of centerline markings on unmarked paved roads.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3594) of Alice Hanlon Peisch and others for legislation to prohibit the sale of tobacco products at facilities of the Massachusetts Bay Transportation Authority.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3644) of David B. Sullivan and Christine E. Canavan that the Executive Office of Transportation and Construction be authorized to offer sponsorship rights for bridges throughout the Commonwealth.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Deborah King, an employee of the Department of Mental Retardation (see Senate, No. 1644), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing a sick leave bank for Colleen Hannon, an employee of the trial court (see House, No. 4183, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

Bill
enacted.

The engrossed Bill authorizing the appointment of Jonathan M. Robertson as a firefighter in the town of Milford notwithstanding the maximum age requirements (see Senate, No. 2252) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At one o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-two minutes after two o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

Health records
task force.

The engrossed Bill establishing an electronic health records task force in the office of Health and Human Services (see House, No. 4160, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Providing for the election of city councilors and school committee persons within the city of Springfield (see House, No. 4071); and

Relative to civil service preference for a firefighter in the city of Boston (see House bill printed as House, No. 4259);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Paper from the Senate.

The Senate Bill authorizing the appointment of Antonio F. Dinis as a police officer in the town of Milford notwithstanding the maximum age requirements (Senate, No. 2253), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

Recess.

At one o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-two minutes after two o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Mr. DiMasi then moved that as a mark of respect to the memory of Rico Matera, a member of the House from Boston from 1955 to 1962, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-five minutes before three o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.